

--71. A method as set forth in claim 44, wherein step of controlling the reassembly of slots is accomplished using the source identifier code and at least the third code.--

**REMARKS**

On July 31, 2001, concurrently with the filing of the above-identified reissue divisional application, a Preliminary Amendment made changes to the specification at the beginning of the application to assert that this application is a continuation of the application which matured into U.S. Patent No. 5,050,166. However, this application is, in fact, a reissue divisional of that reissue application and not a continuation. The difference is important because claims 1-14 have been cancelled with the intention that they remain part of U.S. Patent No. RE37,494, which issued on that application. As a divisional, this application presents claims above and beyond those of the reissue application which resulted in U.S. Patent RE37,494. Thus, the original U.S. Patent 5,050,166 has been reissued as U.S. Patent No. RE37,494, and will be reissued as a divisional in the above-identified application. In other words, there will be two viable divisional reissues of the original U.S. Patent 5,050,166. The cancellation of claims 1-14 in this application reflects the fact that those claims are already part of Reissue application RE37,494 and do not need to be duplicated and should not be duplicated here.

In the application of which the above identified application constitutes a reissue divisional (namely Serial No. 08/122,934, now U.S. Patent RE37,494, which issued on January 1, 2002), certain claims were rejected as based on recapture.

The Second Preliminary Amendment correctly provided arguments as to why the claims in this divisional reissue were allowable and not subject to recapture.

One purpose of this submission is to provide an additional rationale for the allowance of the claims.

The differences between the original patent claims found in U.S. Patent No. 5,050,166 and the claims found in the Second Preliminary Amendment of this application are the following:

(N) Each independent claim, **except claim 22**, is narrower than the corresponding patented independent claim in including a phrase like: "**a type field in the header of each slot, coding into the type field, a code selected from a first code, a second code and a third code, respectively representing a beginning of a message, a continuation of a message and an end of a message.**"

(B2) Each independent claim is broader in removing a phrase like "**entering said destination address in the message segment of said first slot.**"

(B1) Each independent claim, **except claims 22 and 26**, is broader in removing a phrase like "**field which included a source identifier field which is substantially shorter than said destination address.**"

In the prosecution of the original patent 5,050,166, only original claims "**1 and 9**" [emphasis added] were rejected over U.S. Patent No. 4,410,889 to Bryant et al. Limitations labeled B1 and B2 were added to the original patent application claims in an Amendment responding to the anticipation rejection of claims 1 and 9 over Bryant et al.

The limitation labeled N, above, comes from claim 2 of the original claims of the patent application which became U.S. Patent No. 5,050,166.

Claim 2 of those original claims was never rejected and was thus always allowable over Bryant et al. Therefore any claim containing the N limitation, (i.e. all independent claims except

independent claim 22) which was the substance of original claim 2, would have been allowable in the original application and is not a proper subject for a recapture rejection.

Independent claim 22, the only independent claim not containing limitation N, contains limitation B1 and is of the same scope as the originally allowed patent claims in this respect. However, independent claim 22 is broader by removing limitation B2. Limitation B1, as part of the segmenting step added by the amendment in the parent application as noted in the second preliminary amendment, was sufficient to distinguish Bryant et al. in its own right and should therefore not be a basis for a recapture rejection. In re Richman. 161 USPQ 359.

For the reasons indicated, none of the claims contained in the Second Preliminary Amendment is a proper candidate for rejection based on recapture. New claims 39-71 are also believed to be allowable.

Accordingly, Applicants respectfully request that the Examiner allow the application to reissue as a patent.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

**IN THE SPECIFICATION:**

The specification has been amended as follows:

Please amend the beginning of the application (inserted by a Preliminary Amendment on July 31, 2001) as follows:

This is a [continuation] reissue divisional (and claims the benefit of priority under 35 USC 120) of U.S. application serial no. 08/122,934, filed September 17, 1993, which is an [reissue] application for reissue of U.S. patent 5,050,166 (now Patent No. RE37,494, issued January 1, 2002) claiming the priority date of U.S. patent 5,050,166. The disclosure of the prior application is considered part of (and is incorporated by reference into) the disclosure of [the] this application.

This application claims (under 35 USC § 119) the benefit of patent application serial number P10884, filed in Australia on March 17, 1987.

**IN THE CLAIMS:**

The claims have been amended as follows:

15. (Amended) A method of transmitting variable length messages on a network from a source to a destination, said method comprising  
segmenting each message into a plurality of fixed length slots, each of which slots includes a header field and a message segment,  
providing a source identifier field in the header field of each slot, said source identifier field including a source identifier code that is uniquely associated with the message to be transmitted,

transmitting the slots on the network,  
providing a type field in the header of each slot,  
coding into the type field, a code selected from a first code, a second code, and a third  
code, respectively representing a beginning of a message, a continuation of a  
message, and an end of a message, and  
controlling the reassembly of received slots at the destination in accordance with said  
source identifier code[s], the first code, the second code, and the third code.

17. (Amended) A method as claimed in claim 15, further comprising  
transmitting the destination address field in the message segment of the first slot of the  
message, and

checking a destination address field associated with the message, for a match with an  
address associated with the destination[, and].

[transmitting the destination address field in the message segment of the first slot of the  
message.]

23. (Amended) Apparatus for transmitting variable length messages on a network from a  
source to a destination in fixed length slots, said apparatus including;  
a segmentation machine for segmenting the messages into fixed length slots, each of  
which includes a header field and a message segment, said segmentation machine  
including coding means

for providing a source identifier field in the header of each slot, said source identifier field including a source identifier code that is uniquely associated with the message to be transmitted, and

for providing a type field in the header field of each slot, and

for providing a code selected from a first code, a second code, and a third code representing, respectively, a beginning of a message, a continuation of a message and an end of a message; and

a reassembly machine located, in use, at the destination, said reassembly machine including control means for controlling reassembly of the slots in accordance with [the] respective source identifier codes of the slots, said control means being responsive to said source identifier code, said first code, said second code, and said third code.

26. **(Amended)** A method of transmitting a variable-length message on a network from a source having a source address to a destination having a destination address, said method comprising:

segmenting the variable-length message into a plurality of fixed length slots including a first slot, continuing slots, and a last slot, each of said fixed length slots including a header field that includes a source identifier field, the source identifier field being substantially shorter than said destination address, and

a message segment;

providing a source identifier code in the source identifier field, said source identifier code being [uniquely] associated with the variable-length message;

providing a type field in the header of each slot,  
coding, into the type field, a code selected from:  
    a first code representing a beginning of a message,  
    a second code representing a continuation of a message, and  
    a third code, representing an end of a message;  
transmitting the slots on the network; and  
controlling reassembly of slots at the destination in accordance with the source identifier  
code, first code, second code, and third code of slots received at the destination.

**27. (Amended)** Apparatus for transmitting variable-length messages on a network from a source having a source address to a destination having a destination address in fixed length slots, said apparatus including:

    a segmentation machine for segmenting each message into a plurality of fixed length slots including a first slot, continuing slots, and a last slot, each of said slots including  
        a header field that includes a source identifier field, the source identifier field  
            being substantially shorter than said destination address,  
        and a message segment;  
    coding means for providing the source identifier field with a source identifier code  
    that is uniquely associated with the message to be transmitted for providing a type  
    field in the header field of each slot, and for providing a code selected from a first  
    code, a second code, and a third code representing, respectively, a beginning of a  
    message, a continuation of a message and an end of a message; and

a reassembly machine located, in use, at the destination, said reassembly machine including control means for controlling reassembly of slots in accordance with [the] respective source identifier codes, the first code, the second code, and the third code of the slots.

28. (Amended) A method for the connection-oriented transfer of variable-length messages in fixed-length slots from a source node[,] having a source address[,] to a destination node[,] having a destination address, the method comprising:

segmenting each message into a plurality of fixed-length slots including a first slot, continuing slots and a last slot, each of the slots including a header field and a message segment;

providing, in the header fields of each of the slots, a source identifier code [uniquely] associated with the message,

providing a type field for holding a code in the header of each slot, coding into the type field, a code selected from a first code, a second code, and a third code, respectively representing a beginning of a message, a continuation of a message, and an end of a message,

transmitting the slots from the source node; and

controlling reassembly of the message on the basis of information in the header field of slots received at the destination node.

30. **(Amended)** The method as claimed in claim 29, further comprising providing, to a comparator, the source identifier code of the first slot received at the destination node;

providing, to the comparator, the source identifier code of each subsequently received slot; and

storing the message segment of the subsequently received slot in the buffer in response to an occurrence of a match between the source identifier code of the first slot and the source identifier code of [the second slot] subsequent slots.

32. **(Amended)** The method as claimed in claim 30, further comprising providing multiple comparators and buffers at the destination node to enable simultaneous receipt of a plurality of messages, each having its own source identifier code, and

storing message segments from each message in a [single] separate buffer.

33. **(Amended)** An apparatus for the connection-oriented transfer of variable-length messages in fixed-length slots from a source node, having a source address, to a destination node, having a destination address, the apparatus comprising:

a segmentation machine for segmenting each message into a plurality of fixed-length slots including a first slot, continuing slots, and a last slot, each of the fixed-length slots including a header field, and a message segment, the segmentation machine being located, in use, at the source node;

a coder for providing, in the header field of each slot,

a source identifier field for holding a source identifier code [uniquely] associated with the message to be transmitted, and  
a type field, for holding a code selected from a first code, a second code, and a third code, respectively representing a beginning of a message, a continuation of a message, and an end of a message, and  
a reassembly machine for controlling reassembly of slots into the message in accord with information in the header field, the reassembly machine being located, in use, at the destination node.

**38. (Amended)** The apparatus as claimed in claim 34, wherein the controller is configured to output a reassembled message from the buffer in response to detection of a third code, the reassembled message being associated with the source identifier code of the slot containing the detected third code.